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Robert M. Best

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EXAMINER

BANTA, TRAVIS R

ART UNIT

PAPER NUMBER

3714

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

01/29/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/928,294

Applicant(s)

BEST, ROBERT M.

Examiner

Travis R. Banta

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 330-351 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 330-351 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

Claim 350 is objected to because of the following informalities: The word "said" is repeated twice. It appears that the repeat is not intentional as it doesn't seem to make sense in context. Appropriate correction or clarification is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 330-331, 333-334, 337, 339-344, 347, and 349-351 are rejected under 35 U.S.C. 102(*a**) as being anticipated by PSone portable (see <http://www.answers.com/topic/playstation-1>).

Regarding claim 330, a method for use in a data processing system is disclosed to have a first processor, a data storage device (a DVD drive, memory card, RAM and ROM) and is independently operable as a portable gaming system. The PSone is disclosed to have a power adapter and an LCD screen for portable use (see website under subheading PSone). The LCD screen utilizes a second processor core capable of 3D graphics and polygonal vertex data (see website under subheading Specifications subheading Geometry Transformation engine). The PSone has a set of executable instructions for running the module. A second program of instructions is encoded on a DVD compatible game disc. The module executes the programming to initiate reading

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the information on the disc. The information on the disc is transmitted to the game system using conventional disc reading technology. As the game is run the second processor core generates polygonal vertex data to move a character in simulated 3D game space. Pixel data is generated that represents a player controlled object in the game in 3D that allow for various viewing angles controlled by the player controller.

Regarding claim 331, the PSone is disclosed to use an LCD screen (see website under subheading PSone).

Regarding claim 333, and 334 the PSone is disclosed to have a subject or a view point around which to vary viewing angles and variable views of the game space in response to player input known to be accomplished by a 3D geometry transformation engine (see website under subheading Specifications subheading Geometry Transformation engine).

Regarding claim 337, the PSone is disclosed to be compatible with all Playstation software games which are well known in the art to comprise characters with body parts comprising arms, legs, hands, fingers, heads, faces, eyes, mouths, teeth, clothing, tools, weapons, and objects held by the character.

Regarding claim 339, the PSone console gaming system provides a number of audio visual outputs. The portable screen comprised properly spaced inputs so the screen could be directly connected to the gaming console. However, the screen was not necessary for portable play. The power supply is disclosed to make the gaming system portable. The gaming console could be connected to an automobile's electrical system and players could play the portable gaming system using a vehicle's display

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screens. Thus, the game would generate pixel data to represent simulated game space for a second display.

Regarding claim 340, the PSone is disclosed to have two players and still use polygon vertex data in a 3D environment (see picture under subheading PSone – only one controller is shown but there are two input ports for two controllers).

Regarding claim 341, the PSone discloses a DVD compatible gaming disc as a computer readable data storage medium storing a game program with instructions for a first processor in the processing system. The information from the disc is transmitted to separately housed portable independently operable gaming system. The system has a first processor and at least a second processor core that controls the display. A display is also disclosed such that digital data that represents a 3D game space is shown using polygon vertex data. The game program on the DVD compatible gaming device is disclosed to modify the polygon data, rendered as pixels, as the object moves through the game space (see website under subheading Specifications subheading Geometry Transformation engine).

Regarding claim 342, the PSone uses an optically coded DVD compatible disc.

Regarding claim 343, the PSone is disclosed to use a semiconductor memory memory card to provide instructions to the gaming console based on past play (see website subheading Memory).

Regarding claim 344, the PSone is disclosed to have a data storage device comprising executable instructions and a second program of instructions (see website subheading memory). The PSone is an independently operable and portable gaming

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system that uses a first processor to execute the machine instructions to initiate a transmission from the DVD compatible game disc. A second processor in the game system generates polygonal vertex data that represents a player controlled object in game space in 3D. The processor in the system allows the player to control the object from a variable viewing angle as is well known in the art to produce visible pixel data on the screen.

Regarding claim 347, the PSone console gaming system provides a number of audio visual outputs. The portable screen comprised properly spaced inputs so the screen could be directly connected to the gaming console. However, the screen was not necessary for portable play. The power supply is disclosed to make the gaming system portable. The gaming console could be connected to an automobile's electrical system and players could play the portable gaming system using a vehicle's display screens. Thus, the game would generate pixel data to represent simulated game space for a second display.

Regarding claim 349, the PSone screen is hingedly attached to a base for physical stability. The screen is removable but it is also constructed to fold down when not in use (see PSone picture on website. Notice hinges beneath screen buttons).

Regarding claim 350, the PSone is configured to be electrically connected to an adapter device that uses manually operated buttons, and joysticks (see picture of PSone).

Regarding claim 351, a method for use in a data processing system is disclosed to have a first processor, a data storage device (a DVD drive, memory card, RAM and

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ROM) and is independently operable as a portable gaming system. The PSone is disclosed to have a power adapter and an LCD screen for portable use (see website under subheading PSone). The LCD screen utilizes a second processor core capable of 3D graphics and polygonal vertex data (see website under subheading Specifications subheading Geometry Transformation engine). The PSone has a set of executable instructions for running the module. A second program of instructions is encoded on a DVD compatible game disc. The module executes the programming to initiate reading the information on the disc. The information on the disc is transmitted to the game system using conventional disc reading technology. As the game is run the second processor core generates polygonal vertex data to move a character in simulated 3D game space. Pixel data is generated that represents a player controlled object in the game in 3D that allow for various viewing angles controlled by the player controller.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 332, 335-336, 338, 345-346, and 348 rejected under 35 U.S.C. 103(a) as being unpatentable over PSone in view of Hames (US 6,565,440).

Regarding claims 332, 345, the PSone is disclosed to be a portable gaming system as outlined in claim 330 above. A first program is initiated to boot the PSone, a second program from a processing system is initiated to initialize the controller. PSone is not disclosed to have a wireless data transmission capability. In an analogous machine, Hames discloses a wireless controller for use with the Sony Playstation. The controller comprises all the buttons found on a standard Playstation controller. One of ordinary skill in the art would realize the PSone could use a wireless link to initialize the controller for the gaming system. It would be obvious to one of ordinary skill in the art at the time of the invention to combine the wireless capability of Hames with the PSone to remove the hassle of controller cables as is well known in the art (see figure 1 and abstract)

Claims 335-336, and 346 rejected under 35 U.S.C. 103(a) as being unpatentable over PSone in view of Aroyan et al. (US 6,163,313).

The PSone is disclosed to be a portable gaming system as outlined in claim 330 above. PSone is disclosed to have an LCD screen without touchscreen ability. In a similar device, Aroyan et al. disclose a touchscreen for use with standard LCD screens (see column 2 lines 43-51). One of ordinary skill in the art would realize that it is advantageous to provide a screen with a controller on a portable device to enable play without carrying a spare controller. It would be obvious for one of ordinary skill in the art

to combine the touchscreen with the PSone to increase portability by not having to carry a spare controller. In a sense, if a player has the game device, the player has everything needed to play the console without a spare controller as shown in the PSone.

Regarding claim 335, Aroyan et al. discloses the touchscreen senses manually manipulated objects vary selectable locations on the screen (see column 1 lines 5-18). When combined with the PSone, the touchscreen would be used to control the motion of the player controlled object.

Regarding claim 336, Aroyan et al. discloses a touchscreen that senses variable locations of a manually operated physical object (see column 1 lines 5-18). When combined with the PSone, the control of the object would change the variable viewing angles as is well known in 3D gaming.

Regarding claim 346, Aroyan et al. discloses a touchscreen that senses variable locations of a manually operated physical object (see column 1 lines 5-18). When combined with the PSone, the display control for the manipulation of the screen based on the manually operated control would be processed through the second processor core.

Claims 338 and 348 rejected under 35 U.S.C. 103(a) as being unpatentable over PSone in view of Eck et al. (US 6,716,103).

The PSone is disclosed to be a portable gaming system as outlined in claim 330 above. The PSone is not disclosed to use the internet to download program instructions from the internet. In a similar machine, Eck et al. teaches downloading program

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instructions to a portable gaming device (see abstract). One of ordinary skill in the art would recognize a portable gaming device could download new information from the internet. Therefore, it would be obvious to one of ordinary skill in the art at the time of the invention to put the downloading ability of a portable game system Eck et al. discloses, with the PSone to allow the PSone to download games remotely from the internet. One would be motivated to combine the PSone with the internet download ability increase profits by increasing accessibility to games by allowing downloads of the games from the internet rather than only being able to buy them at stores.

Regarding claim 338 and 348 Eck et al. teaches downloading a second program from the internet to a portable gaming system (see abstract and figure 1) .

Conclusion

The Examiner has noted the cancellation of claims 307-329 in amendment.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Travis R. Banta whose telephone number is (571) 272-1615. The examiner can normally be reached on Monday-Friday 9-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hotaling can be reached on (571) 272-4437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TB

Ronald Lenean
Primary Examiner
1/20/07